

ORDINANCE NO. 2010-02

AN ORDINANCE GOVERNING THE WASTEWATER AND SEWAGE DISPOSAL SYSTEM OF THE TOWN; PROVIDING FOR THE AUTHORITY OF THE TOWN OF EDGEWOOD AND PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD, NEW MEXICO, that:

SECTION 1. TITLE

The provisions of this Ordinance shall be known as the Sewer Use Ordinance of the Town of Edgewood, New Mexico.

SECTION 2. DEFINITION OF TERMS

- a A.S.T.M. The American Society for Testing Materials.
- b B.O.D. (Denoting biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter by Standard Methods Procedure in five days at twenty degrees centigrade expressed in milligrams per liter (mg/l).
- c Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- d Building sewer. The extension from the building drain to the public sewer or other place of disposal.
- e Town. The Town of Edgewood, New Mexico.
- f COD (denoting chemical oxygen demand). The quantity of oxygen utilized in the chemical oxidation of organic and inorganic matter under standard laboratory procedure by the dichromate reflux method expressed in milligrams per liter.
- g Combined sewer. A sewer receiving both surface runoff and sewage.
- h- Garbage. Solid wastes from the 'domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

i. Health officer. Any person or his authorized representative so appointed by the Town or any New Mexico Environment Department Representative charged with approval or inspection of public or private wastewater facilities.

j. Industrial liquid wastes. All waterborne solids, liquids or gaseous wastes resulting from any industrial manufacturing or food processing operation or process, or from the development of any natural resource or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

3c. Industrial Users. All customers discharging industrial waste to the sewer system as hereby defined;

- a Industrial users subject to categorical pretreatment standards.
- b Industrial users that discharge an average of 25,000 gpd or more of process wastewater or which contributes a process waste stream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant.
- c Any other industrial user that is designated as significant by the Town on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement. This shall include the following:

Auto Body Repair S Paint Shops
Auto Repair
Auto Wash
Bakeries
Battery Manufacturing
Cooling Plants
Dairies
Dry Cleaners
Eating Establishments (restaurants & cafeterias)
Electroplating & Metal Finishing
Explosives & Ammunitions
Fuel Oil Dealers
Funeral Services
Gasoline Service Station
Gum & Wood Chemical Manufacturing
Hospitals and Medical Office
Laundries
Leather Tanning & Finishing
Lumber & Building Materials - Retail
Jewelry Manufacturing
Machine and Sheet Metal Shops
Meat/Poultry/Vegetable Products Processing Si Packaging
Nursing Care Facilities
Paper Mills
Paving and Roofing
Pesticide Processors and Handling
Professional Cleaning
Photographic Processing
Printing p
Schools & Universities^Research & Educational Labs)
Scrap and Waste Material Handling
Veterinary Services
Woodworking Shops

Interference with any wastewater facility. Any condition or combination of conditions which cause

degradation of the operational efficiency of a wastewater facility.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Normal domestic wastewater. Waterborne wastes normally discharging from the sanitary conveniences of buildings, including apartment houses and hotels, office buildings, factories and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater shall mean "normal" for the Town of Edgewood, New Mexico.

Person. Any individual, firm, company, political or governmental subdivision, association, society, corporation or group.

pH. The logarithm, to the base ten, of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer. A sewer in which all owners of adjoining properties shall have equal rights and is controlled by public authority.

Sanitary sewer. The public sewer portion of a wastewater facility which transports wastewater and to which storm, surface and groundwater are not intentionally admitted.

Settleable solids. Those solids which settle during a preselected period of time expressed as milliliters per liter of sample.

u. Sewer. A pipe or conduit for carrying sewage.

v. Shall; may- The word "shall" is mandatory; the word "may" is permissive or discretionary.

w. Slug. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flow during normal operation.

x. Standard methods. The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the "American Public Health Association", the "American Water Works Association" and the "Water Environment Federation."

y. Storm sewer. A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

z. Administrator. The wastewater department Administrator of the Town of Edgewood, New Mexico, authorized deputy, agent or representative.

aa. Suspended solids. Solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

bb. Trap. A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the Town.

- cc. Unpolluted process water. Any water or waste containing none of the following: Free of emulsified grease or oil; acid or alkali, phenols or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.
- dd. Wastewater. The used water of a community. Such used water may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.
- ee. Wastewater facilities. The structures, equipment and processes required to collect, transport and treat wastewater liquid and dispose of the effluent.
- ff. Wastewater treatment facilities. An arrangement of devices and structures for treating wastewater and sludge. Sometimes used as synonymous with waste treatment plant or wastewater treatment plant.
- gg. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
- hh. W.E.F. The Water Environment Federation.

SECTION 3. UNPOLLUTED DISCHARGES TO SEWERS PROHIBITED

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 4. DRAINAGE DISCHARGE

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Administrator. Industrial cooling water or unpolluted process waters may be discharged on approval of the Administrator, to a storm sewer or natural outlet.

SECTION 5. UNTREATED DISCHARGES PROHIBITED

It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sewage or wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

SECTION 6. UNAUTHORIZED DISPOSAL

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

SECTION 7. PRIVATE SEWAGE DISPOSAL

- a. When Permitted. Where a public sanitary sewer is not available under the provision of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- b. Permit. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Administrator. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Administrator. A permit and inspection fee shall be paid to the Town at the time the application is filed.
- c. Inspection. A permit for a private sewage disposal system shall not become effective until the

installation is completed to the satisfaction of the Administrator. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Administrator when the work is ready for final inspection and before any underground portions are covered. The inspections shall be made within seventy-two hours of the receipt of notice by the Administrator.

- d. Design Requirements. The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements and recommendations of the State of New Mexico Environment Department. Permitting shall be from the New Mexico Environmental Department
- e. Conversion to Public Sewer on Availability. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with clean soil, sand or gravel.
- f. Operation; Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.
- g. Ordinance Not to limit Reasonable Requirements of Health Officer. No statement contained in this ordinance shall be construed to interfere with any additional reasonable requirements that may be imposed by the appropriate health officer.

SECTION 10. BUILDING SEWERS

- a. Permits Required. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Administrator.
- b. Customer Classification: The Administrator shall survey and classify customers for applicability of rates in accordance with the 2010-01 Wastewater & Hook-up Fees Ordinance.
- c. Permit Applications and Fees. The owner or his agent shall make application for service on a special form furnished by the Town. As a minimum, the application for the permit shall be in writing and shall contain the following information:

- (a) name and address of applicant;
- (b) name and address of owner of the premises where the connection is to be made and where drain or line is to be laid;
- (c) location of the proposed connection, drain or sewer pipe;
- (d) statement as to the type of connection and type of materials to be discharged into the sewer;
- (e) statement as to whether the connection is to be made to the storm sewer or to the sanitary sewer.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Administrator. If the proposed connection does not violate any provision herein and does not violate any other ordinance or resolution of the Town, the Administrator shall issue a permit for such connection.

Such permit shall contain all information required of the applicant and shall specify the type and kind of grease traps, sand traps to be used. At the time of granting of the permit, the applicant shall pay a fee for the connection to the sewer. The amount of this fee shall be in accordance with the Town's 2010-01 Ordinance and shall include permit, inspection, connection and pavement repair fees.

- d. Costs; Indemnification. All costs and expense incident to the installation and connection of the

building sewer shall be borne by the owner. The owner shall indemnify the Town against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer including, but not limited to, pavement replacement. All connections to the Town's sewer system must be made by a licensed plumber, subject to the supervision, inspection and approval of the Town's Administrator or designee, and in compliance with the New Mexico Plumbing Code and with the Town's policies and procedures for the.

- e. **Separate Building Sewers Required.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer and classified in accordance to paragraph b of this Section.
- f. **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Administrator, to meet all requirements of this ordinance.
- g. **Design Requirements: Compliance with Codes.** The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town and the State of New Mexico. All new sewer connections must be properly designed and constructed in accordance with applicable codes.
- h. **Gravity Flow or Lift-** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- l. **Connection of Storm Water, Etc.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- j. **Connection Procedures Generally.** The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.E.F. Manual of Practice No. 9. All such connections shall be made gauged and watertight. Any deviation from the prescribed procedures and materials must be approved by the Administrator before installation.
- k. **Final Inspection.** The applicant for the building sewer permit shall notify the Administrator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Administrator or his representative.
- l. **Safety and Protective Measures for Excavations.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- m. **Abandonment of Connections.** No person shall abandon any building connection without first obtaining a written permit therefore. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line. Said stopper shall be installed as directed by the Administrator.
- n. **Digging Up of Streets and Alleys.** No person shall in any way interfere with the employees of the Town in any discharge of their duties in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street, alley, or right of way in the Town for the purpose of connecting with the sewer system of the Town, and no person shall connect with or tap into the sewer system of the Town without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the Town for the purpose of connecting with the sewer system of the Town and thereafter fail or neglect to place the street or alley in its original condition. A fee in the amount set by

the Town's Sewer Rate Ordinance shall be paid by the applicant at the time of granting of the permit for the repair of the street surface to be disturbed in connecting to the sewer system.

- o. Prohibition Against Depositing Wastes. No person shall deposit or permit it to be deposited in any unsanitary manner upon public or private property within the Town or within the area within the jurisdiction of the Town any human or animal excrement wastes.
- p. Prohibition Against Damaging the System. No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer system.
- q. Ownership and Maintenance. The Town shall own the service line from the main to the property line and shall connect the service line to the main. The customer shall own the service line from the property line to the customer facilities and shall maintain the service line from the customer facilities to the main. The ownership and maintenance of building sewers shall conform to the Town's Policies and Procedures.

SECTION 11. USE OF PUBLIC SEWERS

- a. Prohibited Discharges. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- b. Prohibited Substances. No person shall discharge or cause to be discharged any of the following described liquids or wastes to any public sewers:
 - (1) any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas or any other waste which creates a fire or explosive hazard in sewers and wastewater facilities.
 - (2) any waters or wastes containing toxic or poisonous solids, liquids or gases or oxygen demanding wastes in sufficient quantity, either singly or by interaction with other wastes, to damage or interfere with any wastewater facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment works, including but not limited to, cyanides in excess of two (2) mg/l as CH in the wastes as discharged to the public sewer.
 - (3) any herbicides and pesticides.
 - (4) any waters or wastes having a pH lower than 5.0, or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facility.
 - (5) solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (6) any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference with any wastewater facility.
 - (7) any trucked or hauled waste, except at discharge points designated by the Town and authorized by the Administrator.
 - (8) any wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to dye wastes and vegetable tanning solutions.
 - (9) any wastewater containing any radioactive wastes or isotopes.

(10) any of the following metals or substances exceeding discharge limits promulgated by the US EPA National Categorical Pre-treatment Standards in accordance with the Clean Water Act and by the State of New Mexico Water Quality Control Commission Standards for groundwater:

Aldrin	Heptachlor
Antimony	Hexavalent Chromium
Arsenic	Hexachlorobenzene
Barium	Iron
Benzo (a) Pyrene	Lead
Beryllium	Lindane
Bismuth	Manganese
BOD	Mercury
Boron	Molybdenum
Benzene	Nickel
Cadium	PCBs
Carbon Tetrachloride	Rhenium
Chlordane	Selenium
Chromium(Hexa)	Silver
Chromium(III)	Strontium
Cobalt	Tellurium
Copper	Tin
Cyanide	Uranium
Dieldrin	Zinc
Flouride	

(1.1) Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.

Discharges Subject to Regulation. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Administrator that such wastes can harm the wastewater facility or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Administrator will give consideration to such factors as the materials of construction of the sewers, nature and capacity of the wastewater facility, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances which must be considered include, but are not limited to the following:

- (1) any liquid or vapor having a temperature higher than one hundred fifty (150 deg. F.) (65 deg. C).
- (2) any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 deg. F.) (0 and 56 deg. C).
- (3) any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be allowed without specific review and approval by the Administrator.
- (4) any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions cannot be discharged to the wastewater facility unless completely neutralized and approved by the Administrator for discharge.
- (5) any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand not be discharged into the wastewater facility if discharge of agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- (6) any waters or wastes containing phenols or other taste or odor-producing substances, in concentrations exceeding limits established by the Administrator after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Administrator in compliance with applicable State and Federal regulations.
- (8) any waters or wastes having a pH in excess of 9.0.
- (9) materials which exert or cause:
 - (a) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) unusual chemical oxygen demand, or biochemical oxygen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (d) slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater facility.
- (10) waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works employed, or are amenable to treatment only to such degree that the effluent cannot meet the

requirements of agencies having jurisdiction over discharge to the receiving waters.

- (11) any wastes containing metals or substances regulated by the Clean Water Act and the State of New Mexico Water Quality Control Commission Standards for groundwater and any other applicable regulations and standards contained in other State and Federal law or in concentrations exceeding limits established by the Administrator to meet State and Federal requirements.

Administrator's Discretion: If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section of the ordinance, and which in the judgement of the Administrator may have a deleterious effect upon the wastewater facilities, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Administrator may:

- (1) reject the wastes,
- (2) require pretreatment to an acceptable condition for discharge to the public sewers, or (3) require control over the quantities and rates of discharge.

If the Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the State of New Mexico Environment Department and the Administrator and subject to the requirements of all applicable regulations, ordinances and laws.

Testing Industrial Waste. Testing an industrial waste will be performed at least twice a year or whenever found necessary by the Administrator. The person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

- f Grease, Oil and Sand Traps. Grease, oil, and sand traps shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Administrator and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be installed in all new filling stations, garages, restaurants and other new facilities wherein heavy discharge of grease and oil is to be expected.
- g Maintenance of Preliminary Treatment and Flow-Equalizing Facilities. Where preliminary treatment or flow-equalizing facilities are provided for any industrial liquid wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- h. Waste Meters; Manholes. When required by the Administrator, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.
- Such manhole, when required, shall be accessibly and safely loaded, constructed in such a manner as to prevent infiltration of ground and surface waters and constructed in accordance with plans approved by the Administrator. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- i. Methods of Testing; Location of Test Site. All measurements, tests and analysis of the characteristics of water and wastes shall be determined in accordance with the latest edition of "Standard Methods" and shall be determined at the control manhole provided or upon suitable samples taken at such manhole. The control manhole shall be located so that sampling of the industrial waste will be performed before discharge into the public sewer system.
- j. Sampling and Analysis Methods. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater treatment works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.

- k. Access for Sampling. The Administrator or designee shall be allowed access to the properties of all sewer users as necessary to sample, test, and measure all wastewater discharges. Failure to allow such access may, at the Town's discretion, be the basis for discontinuance of sewer service to the property to which access is denied.

Access of Town to Water Utility Records of User. For the purpose of assessing equitable user fees, any person discharging to the sanitary sewers shall permit access by the Town to water utility records for that person's property.

Private Water System, Measurement of Water Use. Where any person, business or industry is connected to the public sewer system but utilizes a private water system, such person, business or industry shall allow the Town to install water meters to measure the water usage from the private water system. The meters shall be provided by the Town and installed at the cost of the sewer user. The water usage from the private water system shall be used as the volume of water consumed for the purposes of computing the service charge for the person, business, or industry. This is an alternative method for establishing sewer service fees and the Town, in its discretion, may instead assess sewer fees based on a use of 100 gallons per capita per day. Such person, business, or industry shall allow employees of the Town to come onto the property and read the water meter at all reasonable times.

Monthly Payments Required. The sewer charges levied pursuant to this section shall be payable monthly, in conjunction with the monthly water bill rendered by the Town. Properties outside the Town shall pay a surcharge of fifty percent of and in addition to the monthly charge. If bills are not paid within ten (10) days after the due date, a late penalty of 10% of the amount past due shall be paid.

SECTION 13. PENALTIES AND REMEDIES

- a. Penalties; Continuing Violations. Every person convicted of a violation of this ordinance shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than ninety days, or both. Each day this ordinance is violated shall constitute a separate offense. The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this ordinance.
- b. Remedies Cumulative; Liens. All remedies prescribed or liens created hereunder or under the provisions of the law for collection and enforcement of the fees shall be cumulative and the use of one or more remedies by the Town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this ordinance created by the law. The fees authorized by this article shall be a lien in favor of the Town upon the real property served and the personal property of the person used in connection with the sewer use which gave rise to the fee and such lien shall be imposed, collected, enforced, and paid as provided by the law. No property of any persons shall be exempt from levy and sale on execution issued for the collection of a judgement for any fee imposed by this ordinance.

If any bill for sewage charges remains unpaid for 60 days, a lien on the property receiving the sewage service shall be filed by the Town Clerk, as provided by Sections 3-36-1, et. seq., NMSA 1978, and shall be released only upon payment of the charges plus interest as provided by the law.

- c. Disconnection of Service. For repeated violations of this ordinance, the Town may disconnect the violator's building sewer and refuse to provide sewer service to the violator until assurances satisfactory to the Town are provided by the violator that such violations shall cease.

SECTION 14. SEWER LINE EXTENSIONS

Whenever an extension of the Town's sewer line is required to serve an applicant, or group of applicants, the extension will be made under the following terms and conditions by the applicant and in accordance with the Town's Policies & Procedures:

- a. All line extensions shall be sized to provide adequate service. In the event that the Town system plan requires

larger line size than is required to serve the applicant's needs, the applicant will not be required to absorb the difference in investment between the applicant's required line size and the line size required by the plan; but in no event shall the extension costs to applicant be based on lines smaller than those needed for applicant's domestic service. The Town shall be the sole judge of proper line sizing in any new construction and shall be the sole judge of the line size cost to the applicant.

- b The investment in the line extension required to serve the applicant's domestic requirements as specified above will be paid in total by the applicant requesting the line extension.
- c All lines will be constructed in existing public roads, streets, Town-owned lands, alley's, or easements. The applicant shall furnish such rights-of-way in the form of duly executed easements without charge to the Town and shall assist the Town in securing other rights-of-way necessary to provide service over property not owned by the said applicant.
- d Special conditions which affect the furnishing of sewer service to an applicant or group of applicants such as elevation, terrain, volume required in existing mains, and other conditions resulting in increased costs to the Town in providing sewer service shall be taken into consideration by the Town and the cost thereof shall be added to the connection fee.

SECTION 15. SEVERABILITY

If any part or parts, of application or any part of this ordinance is held invalid, such holding shall not affect the validity of the remaining parts of this ordinance. The Town of Edgewood hereby declares that it would have passed the remaining parts of this ordinance even if it had known that such part or parts or application of any part thereof would be declared invalid and it is the intent of the Town of Edgewood that the unaffected remainder of the ordinance continue in force.

SECTION 16. ACCESS TO PRIVATE PROPERTY FOR INSPECTION

Employees of the Town shall be allowed access to any private property connected to the public sewer system at all reasonable times for inspecting the construction/ maintenance, and operation of the system. No persons shall interfere with such access.

SECTION 17. INCORPORATION OF ORDINANCE INTO CONTRACT

All requirements contained in this Ordinance shall be considered a part of the contract of every person utilizing the sewage disposal system; every person shall be considered as having expressly consented to be bound thereby.

PASSED, ADOPTED, SIGNED, AND APPROVED THIS 2nd day of June 2010.